

The Georgia Board of Chiropractic Examiners met on **February 13, 2003** at the Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia for the purpose of conducting business.

**Members Present:**

- ? Davis L. Kinney, D.C., President
- ? Samuel J. Sparlin, D.C., Vice President
- ? Allen K. Arnold, Jr., D.C.
- ? Patrick J. Sallarulo, D.C.
- ? Connie Singleton, D.C.

**Others Present:**

- ? Ajay Gohil, Assistant Attorney General
- ? Anita O. Martin, Executive Director
- ? Lea F. Williams, Board Secretary
- ? Chris Carver, D.C.
- ? Dr. DeSpain
- ? John Downs, D.C.
- ? Nicholaas Fourie
- ? Ken Holewinski, D.C.
- ? Anne Lewis
- ? James Scott Moreland
- ? Randy C. Mozek
- ? Deborah Pogrilis, D.C.
- ? Ben H. Sealy
- ? J.C. Smith
- ? Steven Wilbert

President Kinney established that a quorum was present, and called the Hearing to order at 10:10 A.M.

A Public Hearing was held regarding the proposed amendment to the Georgia Board of Chiropractic Examiners Rules, Chapter 100-12-.01, Approved Chiropractic Schools or Colleges, Amended.

The Hearing was adjourned at 10:55 A.M.

President Kinney called the Board meeting to order in **OPEN SESSION** at 10:57 A.M.

**Chapter 100-12-.01, Approved Chiropractic Schools or Colleges, Amended:** Dr. Sallarulo made a motion to defer any action on this proposed rule amendment, based on the U.S. District Court Judge Charles A. Moye, Jr.'s ruling, until such time as final legal resolution has occurred. Dr. Sallarulo further motioned that until such time, all Life University College of Chiropractic graduates will be eligible for licensure consideration in the State of Georgia. The motion was seconded by Dr. Sparlin with Drs. Singleton and Kinney in favor, and Dr. Arnold in opposition of the vote. The motion was approved.

Dr. Singleton moved, Dr. Sparlin seconded, and the Board voted to enter into **EXECUTIVE SESSION** in accordance with O.C.G.A. §43-1-2(k) to deliberate on applications. Voting in favor of the motion were those present who included Board members Arnold, Sallarulo and Kinney.

**EXECUTIVE SESSION:**

The Board reviewed the Endorsement and Licensure applications submitted by **M.S.H., G.L., B.A.M., N.J.F., M.R.H., and A.C.**

The Board reviewed renewal applications submitted by **J.A.H. and R.R.**

The Board met with renewal applicants **A.T.W., M.M.G., and L.C.S.**

The Board returned to **OPEN SESSION** to discuss/vote on the following:

**OPEN SESSION:**

- M.S.H.:** Dr. Singleton made a motion to **approve** the Endorsement application. The motion was seconded by Dr. Sparlin and approved by the Board.
- G.L.:** Dr. Sallarulo made a motion to **approve** the Endorsement application. The motion was seconded by Dr. Arnold and approved by the Board.
- B.A.M.:** Dr. Sparlin made a motion to **approve** the Endorsement application. The motion was seconded by Dr. Singleton and approved by the Board.
- N.J.F.:** Dr. Sallarulo made a motion to **approve** the application for licensure. Dr. Sparlin seconded the motion and it was approved by the Board.
- M.R.H.:** No action needed.
- A.C.:** No action needed.
- J.A.H.:** Dr. Sparlin made a motion to **renew** the license. The motion was seconded by Dr. Singleton and approved by the Board.
- R.R.:** Dr. Arnold made a motion to **renew** the license. The motion was seconded by Dr. Sallarulo and approved by the Board.

**A.T.W.:** Dr. Singleton made a motion to **renew** the license upon receipt of documentation from probation officer. The motion was seconded by Dr. Sparlin and approved by the Board.

**M.M.G.:** Dr. Arnold made a motion to **renew** the license. The motion was seconded by Dr. Sallarulo and approved by the Board.

**L.C.S.:** Dr. Singleton made a motion to **renew** the license with a Private Consent Order, requiring 90/90 AA treatment, one year of aftercare program, and advocate to submit quarterly reports. The motion was seconded by Dr. Arnold and approved by the Board.

Dr. Sallarulo made a motion to **approve** the minutes of the January 9, 2003 meeting as amended. The motion was seconded by Dr. Sparlin and approved by the Board.

**The Board considered the following correspondence and directed the staff to advise, or voted, if applicable, for the following:**

**Roster of New Licensees:** Dr. Singleton made a motion to **approve** the list. The motion was seconded by Dr. Sparlin and approved by the Board. (Attachment #1)

**Request of Dana Borish, D.C.:** Dr. Sallarulo made a motion to **grant** Dr. Borish an extension until June 1, 2003 to obtain the required C.E.'s, and waive the C.E. Penalty Fee. Dr. Arnold seconded the motion and it was approved by the Board.

**E-mail submitted by Russell Friedman, D.C.:** Dr. Sparlin made a motion to **advise** Friedman that the Board is precluded from offering legal advice or opinions regarding the laws and rules. The motion was seconded by Dr. Singleton and approved by the Board.

**E-mail submitted by J.C. Smith, D.C.:** Viewed as information.

**Draft of Board Policy #6:** Dr. Arnold made a motion to **approve** the policy draft. The motion was seconded by Dr. Singleton and approved by the Board.

**Melvin Eubanks, D.C.: Reinstatement Request:** Dr. Singleton made a motion to **approve** the request for reinstatement **upon** receipt of the 40 hrs. of C.E. The motion was seconded by Dr. Arnold and approved by the Board.

**Gary Seymour, D.C.: Reinstatement Request:** Dr. Sallarulo made a motion to **approve** the reinstatement request **upon** receipt of a passing S.P.E.C. Exam score. The motion was seconded by Dr. Arnold and approved by the Board.

**Letter from Eric Krohne of the GCA:** Viewed as information.

**E-mail regarding Life University:** Viewed as information.

**Info. submitted by Alan J. Botnick, D.C.:** Item placed in error.

### Other Business to come before the Board:

**Appeal request submitted by James Mosley, Jr., D.C.:** Dr. Singleton made a motion to **waive** Chapter 100-8-.01(5)(b) of the Board's rules, and allow the preceptorship agreement. The motion was seconded by Dr. Sallarulo and approved by the Board.

**Reinstatement Request: Michele Alampi, D.C.:** Dr. Sparlin made a motion to **approve** reinstatement **upon** receipt of the remaining six hours of C.E. The motion was seconded by Dr. Arnold and approved by the Board.

Dr. Sallarulo moved, Dr. Sparlin seconded, and the Board voted to enter into **EXECUTIVE SESSION** in accordance with O.C.G.A. §43-1-2(k) to deliberate on applications. Voting in favor of the motion were those present who included Board members Arnold, Singleton and Kinney.

### EXECUTIVE SESSION

The Board reviewed the applications for Licensure/Endorsement submitted by **E.M.F., D.G.P., C.A.S.** and **D.L.G.**

The Board reviewed the applications for renewal submitted by **A.G.**

The Board returned to **OPEN SESSION** to vote on the following:

### OPEN SESSION

**E.M.F.:** Dr. Sparlin made a motion to **deny** the Endorsement application. The motion was seconded by Dr. Arnold and approved by the Board.

**D.G.P.:** Dr. Singleton made a motion to **deny** the application for licensure. Dr. Arnold seconded the motion and it was approved by the Board.

**C.A.S.:** Dr. Sallarulo made a motion to **approve** the application **upon** receipt of a clean GCIC. Dr. Singleton seconded the motion and it was approved by the Board.

**D.L.G.:** Dr. Sparlin made a motion to **deny** the application for licensure. The motion was seconded by Dr. Arnold and approved by the Board.

**A.G.:** Dr. Sallarulo made a motion to **renew** the license, and send to the A.G.'s office for a Notice of Hearing to seek revocation of the license. The motion was seconded by Dr. Singleton and approved by the Board.

**Anita O. Martin, Executive Director's Report:**

- ? Updated the Board on renewals.
- ? Presented a request submitted by Allen Botnick, D.C. to release an application file.  
*Dr. Sparlin made a motion to **deny** the request. The motion was seconded by Dr. Arnold and approved by the Board.*
- ? Presented a request from Blue Cross Blue Shield to release affidavits submitted by D.C.'s sanction for use of runners. These affidavits were submitted pursuant to the public consent order docketed with the Board.  
*The Board voted unanimously to **release** the information, based upon advice from the Board attorney.*
- ? Discussed budget cuts/travel restrictions.
- ? Discussed the need for an investigative review meeting.
- ? **FCLB Annual Conference:** The Board nominated Dr. Kinney as the Board's voting delegate and Dr. Sparlin as the alternate.
- ? Provided the Board with copies of the Governor's Executive Order establishing a Code of Ethics.

Dr. Singleton moved, Dr. Sparlin seconded, and the Board voted to enter into **EXECUTIVE SESSION** in accordance with O.C.G.A. §43-1-19(h)(2) to deliberate on disciplinary matters, and to receive information on investigative reports. Voting in favor of the motion were those present who included Board members Arnold, Sallarulo and Kinney.

**EXECUTIVE SESSION:**

**REPORTS**

**Ajay Gohil, Attorney General's office:**

- Updated the Board on cases presently in his office.*

**Dr. Sparlin-Cognizant Report:**

- Reported on the following case(s): **#03-053***

**Dr. Singleton-Cognizant Report:**

- Reported on the following case: **#03-051***

**Dr. Arnold-Cognizant Report:**

- Reported on the following cases: **#03-047; #03-054; #03-056 and #03-061***

The Board returned to **OPEN SESSION** to vote on the following:

**#03-053:** Dr. Sparlin made a recommendation to **dismiss** the case. Dr. Singleton made a motion to **accept** the recommendation and dismiss the case. The motion was seconded by Dr. Arnold and approved by the Board.

**#03-051:** Dr. Singleton recommended to **dismiss** the case, as no violation was found. Dr. Arnold made a motion to **accept** the recommendation dismiss the case. The motion was seconded by Dr. Sallarulo and approved by the Board.

**#03-047:** Dr. Arnold recommended to **dismiss** the case, as no violation was found. Dr. Singleton made a motion to **accept** the recommendation and dismiss. The motion was seconded by Dr. Sallarulo and approved by the Board.

**#03-054:** Dr. Arnold recommended to **obtain** a copy of the sworn statement and schedule an investigative interview. Dr. Sparlin made a motion to **accept** the recommendation and schedule an investigative interview. The motion was seconded by Dr. Singleton and approved by the Board.

**#03-056:** Dr. Arnold made a recommendation to **schedule** an investigative interview. Dr. Singleton made a motion to **accept** the recommendation and schedule the interview. Dr. Sallarulo seconded the motion and it was approved by the Board.

**#03-061:** Dr. Arnold made a recommendation to **schedule** an investigative interview. Dr. Sallarulo made a motion to **accept** the recommendation and schedule the interview. Dr. Singleton seconded the motion and it was approved by the Board.

**Florida Association of Chiropractic Conference:** The Board voted to approve Dr. Kinney to attend and teach the Georgia Laws and Rules portion, and to accept reimbursement from the Florida Association.

**NBCE Part IV Examination:** The Board nominated Dr. Arnold and Dr. Sallarulo to assist with the exam in May at Life University.

There being no further business to come before the Board, the meeting was adjourned at 4:10 P.M. on February 13, 2003.

Minutes prepared by Lea F. Williams, Board Secretary.

Minutes reviewed by Anita O. Martin, Executive Director.

**State of Georgia  
County of Bibb**

**Affidavit Supporting Closing  
Of Public Meeting**

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The Georgia Open Meetings Act, O.C.G.A. 50-14-1 et seq., requires that all meetings of an entity covered by the statute must be open to the public unless there is some specific statutory exception which permits the closing of the meeting. If such a meeting is to be closed, the law requires that the presiding person execute a sworn affidavit stating that the subject matter of the meeting or the closed portion thereof was devoted to matters within the statutory exceptions and identifying those specific exceptions relied upon. O.C.G.A. 50-14-4(b). A copy of this affidavit must be filed with the minutes of the meeting in question:

Comes now **Davis L. Kinney, D.C.**, the presiding officer identified below and, before an official duly authorized to administer oaths, makes this affidavit in satisfaction of the statutory requirements outlined above.

1. I am the presiding officer of the **Georgia Board of Chiropractic Examiners.**
2. I am over the age of 18 and in all other aspects competent to make this sworn statement. I acknowledge that I am giving this statement under oath and penalty of perjury and that I have read the contents of this affidavit prior to signing it.
3. On **February 13, 2003**, this entity, which is subject to the Open Meetings Act, met. A majority of the quorum of the members present voted to close the meeting or a portion thereof for the following indicated reason(s). I hereby certify that during the closed portion of the meeting, only those subjects indicated below were discussed. I also certify that I have reviewed the exceptions provided under the Open Meetings Act that may permit the closing of a meeting and that, to the best of my knowledge, the reasons I have described in detail below meet the requirements for closing this public meeting.
4. The legal authority for the closure of this meeting was **§§ 43-1-2(k) and 43-1-19(h).**

5. The subject(s) discussed and the underlying facts supporting the closing of this meeting are:

**Receive and review disciplinary /complaint files and reports; review applications; meet with applicants.**

**Further the affiant sayeth not.**

**Davis L. Kinney, D.C.**  
(Presiding Officer)

Sworn and subscribed before me,

This **13<sup>th</sup>** day of **February, 2003.**

**Regina F. Thompson**  
Notary Public